

### **REMARKS/ARGUMENTS**

The only issue raised in the Official Action is the rejection of claims 1-17 and 33-36, all of the claims in the case, as being "obvious" over Hayashi '250 in view of EP 0913431. Evidence from the senior inventor, Mr. Hayashi, dated June 16, 2003, was presented with the Amendment and response of July 8, 2003. The examiner has considered this declaration and points out differences between the comparisons made in the declaration and the working examples of the present specification. The examiner has also kindly indicated potentially allowable subject matter.

In the attached declaration applicants address the points raised by the examiner and have prepared acicular hematite particles obtained by the procedures of Example 1 of the Hayashi '250 reference and then used these particles to prepare a magnetic recording medium using the procedures and formulations from the examples of the present application.

Mr. Hayashi prepared a magnetic recording medium using the acicular hematite particles obtained by the method of Example 1 of U.S. Patent 5,750,250, according to the method described in Examples 2 and 3 of the present invention – *see* in particular the formulation given at pages 92-93 of applicants' specification – in order to compare the properties under the same criterion.

As seen from the attached declaration, the non-magnetic particles of Experiment 1 (Example 1 of U.S. Patent No. 5,750,250) have a volume resistivity of  $5.6 \times 10^7 \Omega/\text{cm}^2$ . The non-magnetic undercoat layer of Experiment 1 (produced by using the acicular hematite particles obtained in Example 1 of U.S. Patent 5,750,250) has a surface resistivity of  $7.4 \times 10^{13} \Omega/\text{cm}^2$ . The magnetic recording medium of Experiment 1 (produced by using the acicular hematite particles thereof) has a surface resistivity of  $3.5 \times 10^{12} \Omega/\text{cm}^2$ , and a friction coefficient of  $0.33 \mu\text{m}^{-1}$ .

In addition, the linear adsorption coefficient of the non-magnetic undercoat layer and the magnetic recording medium of Experiment 1 (produced by using the acicular hematite particles obtained in Example 1 of U.S. Patent No. 5,750,250) is  $1.01 \mu\text{m}^{-1}$  and  $1.12 \mu\text{m}^{-1}$ , respectively.

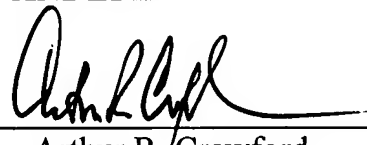
From these data it will be apparent the non-magnetic undercoat layer of Experiment 1 (of the reference) is inferior in surface resistivity and linear adsorption to that of the present invention; and the magnetic recording medium of Experiment 1 is inferior in surface resistivity, linear adsorption and the friction coefficient to those of the present invention.

Applicants submit this additional evidence follows exactly the examiner's comments in the Official Action and demonstrates the inventiveness of the magnetic recording medium defined by applicants' claims. Reconsideration, entry of this evidence and favorable action are solicited.

Respectfully submitted,

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